

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CERVECERÍA MODELO DE MÉXICO,	:	
S. DE R.L. DE C.V.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CB BRAND STRATEGIES, LLC,	:	No. 21-CV-01317-LAK
CROWN IMPORTS LLC, and	:	
COMPAÑÍA CERVECERA DE	:	
COAHUILA, S. DE R.L. DE C.V.,	:	
	:	
Defendants.	:	
	:	
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DECLARATION OF MARC DE LEEUW

I, MARC DE LEEUW, declare as follows:

1. I am a member of the Bar of the State of New York and a partner of the law firm Sullivan & Cromwell LLP, counsel for Plaintiff Cervecería Modelo de México, S. de R.L. de C.V. (“Modelo”) in the above-captioned action. I am also a member of the Bar of this Court.

2. I make this declaration to place before the Court certain materials that are referenced in Modelo's Memorandum in Opposition to Defendants' Motion to Dismiss, dated May 17, 2021.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Amended and Restated Sub-License Agreement (the “Sublicense”), dated June 7, 2013, without exhibits (also filed as an exhibit to the Complaint, ECF No. 1-1).

4. Attached hereto as Exhibit 2 is a true and correct copy of *Customs Bulletin Weekly*, Vol. 55, No. 11 (Mar. 24, 2021).

5. Attached hereto as Exhibit 3 are true and correct copies of United States Patent and Trademark Office (“USPTO”) Reg. Nos. 1,462,155 (*reg’d* Oct. 20, 1987), 1,681,366 (*reg’d* Mar. 31, 1992), and 1,689,219 (*reg’d* May 26, 1992).

6. Attached hereto as Exhibit 4 is a true and correct copy of a photograph of the label of a Corona Hard Seltzer container.

7. Attached hereto as Exhibit 5 is a true and correct screen capture taken on May 12, 2021, from Constellation’s “Corona Hard Seltzer” website, <https://coronausa.com/pages/corona-seltzer>.


8. Attached hereto as Exhibit 6 is a chart providing statutory definitions and descriptions of whether sugar-based hard seltzer qualifies as “beer,” “malt beverage,” “fermented malt beverage,” and/or “cereal malt beverage” under certain state statutes.

9. Attached hereto as Exhibit 7 is a true and correct copy of *The Beverage Alcohol Manual (BAM), A Practical Guide, Vol. 3: Basic Mandatory Labeling Information for Malt Beverages*, U.S. Department of the Treasury, Alcohol & Tobacco Tax & Trade Bureau (Apr. 2007).

10. Attached hereto as Exhibit 8 is a true and correct copy of the *USPTO Trademark Manual of Examining Procedure, Ch. 1400: Classification and Identification of Goods and Services* (Oct. 2018).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed: May 17, 2021
New York, New York



Marc De Leeuw